

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PLANNING & COMMUNITY DEVELOPMENT**

DATE: JANUARY 31, 2008

**Committee Members Present: Others Present:**

Supervisors

Sokol

Belden

Tessier

Champagne

Merlino

Stec

Taylor

Representing Planning & Community  
Development Department:

Patricia A. Tatich, Director

Wayne LaMothe, Assistant Director

Representing Economic Development  
Corporation:

Leonard Fosbrook, President

Peter Wohl, Vice President

John Wheatley, Project Director,

Queensbury Industrial Park

Hal Payne, Commissioner of Administrative &  
Fiscal Services

Patricia C. Nenninger, 2<sup>nd</sup> Assistant County  
Attorney

Joan Sady, Clerk of the Board

Representing the Last of the Mohicans Outdoor  
Drama, Inc.:

Luisa Sherman

Pam Morin

Representing Office of General Services:

Raymond Webster

Steve Granger

Supervisor Strainer

Thomas Randall, The Adirondack Journal

Debra L. Schreiber, Sr. Legislative Office  
Specialist

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Mr. Sokol called the Planning & Community Development meeting to order at 10:50 a.m.

Motion was made by Mr. Belden, seconded by Mr. Tessier, and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk.

Mr. Sokol welcomed Harold Taylor, Supervisor, representing Ward 3 in the City Glens Falls, and Eugene Merlino, Supervisor, Town of Lake Luzerne, to the Planning & Community Development Committee.

Privilege of the floor was extended to Patricia A. Tatich, Planning & Community Development Director, who distributed copies of her agenda, to the Committee members, *a copy of same is on file with the minutes.*

Ms. Tatich welcomed the new Committee members, as well, including their new Committee Chairman. She said they anticipated advancing items to be considered by the full Board of Supervisors at this meeting and discuss their 2008 activities at a subsequent meeting.

Commencing with the pending items portion of the agenda, Item 1, Wayne LaMothe, Assistant Director of the Planning & Community Development Department, referred the Committee to the memo (page 41) that was distributed to all supervisors at the January 3, 2008 Organizational Meeting regarding the County's Abbreviated Consolidated Plan. To date, the only feedback they received was from the Town of Warrensburg; therefore, he said, a second request would be forwarded to those towns that had not responded.

Continuing on with Item 2 of the list of pending items, Mr. LaMothe apprised that the Planning & Community Development Department received funding under the New York State (NYS) Quality Communities Program to undertake a Fatal Flaw Analysis of the proposed Outdoor Drama Theater (ODT). He said this project had been delayed many times due to pending property issues and this Fatal Flaw Analysis would determine ownership and rights of access to the property. Mr. LaMothe requested an RFP (request for proposal) be submitted authorizing the Fatal Flaw Analysis be performed and the results discussed at a subsequent Committee meeting.

Mr. LaMothe stated he received a letter from Bruce Carr, legal counsel for the Last of the Mohicans Outdoor Drama, Inc., and he recently met with their new Board of Directors that included Luisa Sherman, Executive Director of the Adirondack Regional Chamber of Commerce (ARCC), and Pam Morin, who were attending this meeting. From a production standpoint, he said, the ODT had been revived and they were just seeking Committee approval to advance the Fatal Flaw Analysis to determine whether there were any unknown site restrictions on this particular parcel. He stated the contract cost was less than \$10,000 and expired in April 2009.

Mr. Belden asked if the County Attorney had determined whether this property could be subdivided and Mr. LaMothe replied the NYS Department of Environmental Conservation (DEC) had indicated there were some limitations, but the Fatal Flaw Analysis would suggest alternative options to purchasing. In response to an inquiry by Mr. Belden, Mr. LaMothe commented Mayor Robert Blais, Village of Lake George, recently made inquiry as to the status of this project; however, he said, he was seeking Committee direction prior to responding to the letter. Patricia Nenninger, Second Assistant County Attorney, explained Warren County did not own this particular parcel that would host the ODT; therefore, she said, they must determine how they would advance the project and what rights the County had to perform through a lease agreement, etc. She said the proposed parcel had grant and conveyance limitations which required alienation legislation prior to the performance of outdoor drama. In 2007, Ms. Nenninger stated she sought to obtain this legislation; however, she said, ownership, maintenance and leasing with the Village and Town of Lake George had not

been resolved. She further stated their Office had received no further direction from the Committee or the full Board of Supervisors to proceed with the alienation legislation in the 2008 legislative session. Mrs. Nenninger said it was her understanding, the Fatal Flaw Analysis would provide them with the necessary information needed to proceed with the alienation legislation.

At a meeting with the Village of Lake George, Mr. Tessier said he requested that Mayor Blais set aside 30 acres for the purpose of the ODT, and Mayor Blais responded by reiterating his original request that Warren County take over management of the entire recreational parcel. Mr. Tessier said he asked Mayor Blais to draft an agreement that considered the 50% contribution by the Town of Lake George for the construction of a new firehouse. He further advised that the Town of Lake George would agree to lease the 30 acres for 99 years for \$1; however, he said, until they received a definitive commitment from Mayor Blais, all contracts were up in the air. Mr. Belden suggested a special meeting be scheduled with the Village Board of Lake George, Mayor Blais and supervisors so all parties were fully informed.

Mr. LaMothe explained the Fatal Flaw Analysis would determine whether this parcel met the necessary requirements for the ODT. Mr. Tessier stated this property was originally leased to a bottle water company, which prohibited the ODT from being situated there. Prior to submitting an RFP, Mr. Belden suggested the County Attorney notify the Village Attorney of their (County) desire to have the Fatal Flaw Analysis performed on the property. Mrs. Nenninger added that NYS inquired about the status of the County vouchers as this \$10,000 grant expired on April 30, 2008. Mr. Belden commented that he had no problem submitting the RFP to avoid losing the grant funds.

A brief discussion ensued.

Mr. Champagne said he would encourage his fellow Supervisors to meet with the Lake George Village Board to determine what was prohibiting the advancement of the project. Mr. Tessier noted Warren County became involved with this ODT project when the Village of Lake George requested assistance from the Planning & Community Development Department in submitting their grant application.

Motion was made by Mr. Tessier, seconded by Mr. Belden and carried unanimously authorizing Mr. LaMothe to respond to the letter sent by Mayor Robert Blais, Village of Lake George, stating the following:

- ✓ seeking a commitment from the Village of Lake George to designate a portion of that property for the Outdoor Drama Theater; and
- ✓ apprising them an RFP would be submitted for the purpose of having the Fatal Flaw Analysis performed.

Mr. Belden stated Chairman Monroe should suggest the Lake George Village Board meet with the County Supervisors to discuss this ODT project.

After discussion, Mr. Sokol called the question and the motion was carried unanimously as outlined above.

Referring to the list of pending items, Item 3, Ms. Tatich indicated that it was her understanding no meeting had occurred between her Department and the Warren/Washington Counties Community Action Agency and she felt it was a "dead issue." Mr. Champagne advised that he attended meetings that involved both parties and he felt there were issues that still needed to be resolved. He said he would schedule a meeting with members from both entities to assist them in resolving any potential conflicts.

A brief discussion ensued.

Continuing on with Item 4 on the list of pending items, Mr. LaMothe apprised that all towns had responded to their request for aerial imagery and they were currently awaiting the contract documents from NYS prior to submitting the vouchers to each municipality.

With respect to Item 5, Mr. LaMothe advised there were 40 properties that operated a commercial enterprise and identified as "tourism accommodations related"; however, he said, they chose not to participate in the County tourism guide, which was their prerogative.

Mr. LaMothe indicated pending Item 6 and agenda Item 1 were requests to reappoint Paul Gollhofer, John Kim and Tim Larson to the Warren County Planning Board, commencing January 1, 2008 and terminating December 31, 2010.

Motion was made by Mr. Belden, seconded by Mr. Champagne and carried unanimously approving the requests as outlined above; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *Copies of the resolution request forms are on file with the minutes.*

Relative to Item 2 on the agenda, Mr. LaMothe advised that a member of the Warren County Planning Board is requested to serve on the Greater Adirondack Resource Conservation and Development (RC&D) Council; therefore, he said, he would request that Robert Thurling be appointed to the RC&D Council, replacing Tom Haley, whose term expired.

Motion was made by Mr. Belden, seconded by Mr. Champagne and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Referring to Item 3 of the agenda, Ms. Tatich requested permission to apply for a Community Development Block Grant, the total amount not to exceed \$750,000, and

to establish public hearings. She said their Department would then identify those projects and activities that necessitated how these funds would be utilized.

Motion was made by Mr. Belden, seconded by Mr. Stec and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Ms. Tatich added that April 21, 2008 was the deadline to apply for Community Development Block Grant Funds.

Turning to Item 4, Ms. Tatich requested permission to apply for a Community Development Block Grant, the total amount not to exceed \$600,000, and to establish public hearings on behalf of the Town of Lake Luzerne for a project associated with their Senior Citizens Center.

Motion was made by Mr. Belden, seconded by Mr. Taylor and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Relative to Item 5, Mr. LaMothe explained the Planning & Community Development Department had administered a RESTORE Program for many years and they were again seeking permission to apply for an additional \$75,000 in program funding through the New York State Housing Trust Fund. He added the funds must be expended within one year and were not limited to any specific municipality.

Motion was made by Mr. Belden, seconded by Mr. Merlino and carried unanimously approving the request as presented; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

With respect to Item 6, Mr. LaMothe stated Warren County applied for a Canal Corp. Grant on behalf of the City of Glens Falls and the Town of Queensbury for a project through the New York State Canal Corporation to make the necessary improvements at the Feeder Canal Park and to resurface the Feeder Canal trails. According to the NYS contracts, he said, Warren County must provide a SEQR (State Environmental Quality Review) determination that would establish the County as the lead agency. Mr. LaMothe indicated Tom Donohue, City of Glens Falls, had forwarded their paperwork indicating their requirements had been satisfied.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously approving the request as outlined above; and the necessary resolution was authorized

for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Under the First Wilderness Heritage Corridor (FWHC), Mr. LaMothe related there were funds available through the NYS Local Waterfront Revitalization Program to design and construct individual kiosk signs introducing the First Wilderness Corridor, the North Creek community, and surrounding points of interest. He requested permission to enter into a contract with The Virginia Company for the development of interpretive materials for the First Wilderness Heritage Corridor displays, the total amount not to exceed \$2,300. In response to an inquiry by Mr. Belden, Mr. LaMothe replied no local match was required.

Motion was made by Mr. Belden, seconded by Mr. Taylor and carried unanimously approving the request as presented; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Referring to page 2 of the agenda, Item 1(b), Mr. LaMothe apprised he had met with the Supervisor of Johnsburg, Sterling Goodspeed, who advised that the Region 5 Open Space Conservation Advisory Committee was currently preparing the necessary documentation to transfer the Kellogg property over to Warren County. He said the funds were made available through the NYS Local Waterfront Revitalization Program. Mr. LaMothe related that Supervisor Goodspeed had received enormous input from residents and organizations throughout his community suggesting alternative uses for the buildings located on the Kellogg property. He said until a definitive decision had been reached relative to the use of these buildings, they were unable to complete the design work. Therefore, Mr. LaMothe requested an RFP be prepared seeking community participation concerning the future use and development of the North Creek Train Station complex and the three buildings located on the Kellogg property. He indicated the RFP would entail a series of three public hearings, whereby a recommendation would be made to the Parks, Recreation and Railroad Committee and they would determine the best way to proceed. In response to an inquiry by Mr. Belden, Mr. LaMothe confirmed a fifty percent local match was required and these funds were in the 2008 Budget. Mr. Belden queried whether the Open Space Conservancy had signed off on the property and Mr. LaMothe replied he anticipated that would transpire within the next couple of months.

The general consensus of the committee authorized the Planning & Community Development Department to release an RFP for the purpose of scheduling a series of three public hearings to determine the future use and development of the North Creek Train Station Complex and related Kellogg property.

Continuing on with Item 1(c) of the agenda, Ms. Tatich requested permission to prepare and release an RFP for a telecommunication study that would include an

inventory, assessment and implementation strategy for the expansion of broadband access within rural and under-served areas of Warren County. In December of 2007, she said, their Department prepared an Adirondack Smart Growth Grant application, together with various letters of support so such a study could be undertaken and it was her understanding, according to Chairman Monroe, that an announcement would be made sometime in March of 2008. In an effort to expedite the process, she suggested the Planning & Community Development and Information Technology Departments, as well as the Economic Development Corporation, research RFP's subject to sufficient funding. Ms. Tatich explained they requested \$44,000 in the Adirondack Smart Growth Grant application; however, she stated, they would expend approximately \$28,000 to hire an experienced firm that had knowledge of the County GIS (Geographic Information System) system and to determine what fiber optics currently existed throughout the County.

Motion was made by Mr. Belden, seconded by Mr. Merlino and carried unanimously authorizing the request to submit an RFP for the purpose of conducting a telecommunication study that would include an inventory, assessment and implementation strategy for the expansion of broadband access.

Ms. Tatich advised the staff of Congresswoman Kirsten E. Gillibrand was sponsoring a funding workshop relating to sewer and water infrastructure on Monday, February 4, 2008 in Room 6-103 of the Warren County Municipal Center at 10:30 a.m. She stated various organizations had been invited to attend and share information on funding opportunities. Ms. Tatich explained that it was important that each Supervisor be prepared to identify their local project/priorities and related costs to assist the Planning & Community Development Department in updating the County's Abbreviated Consolidated Plan.

Mr. Champagne asked whether Mr. LaMothe had any knowledge of the canal funds that they anticipated receiving from the Thruway Authority. Mr. LaMothe replied they were awaiting receipt of the contract documents from NYS and it was his understanding the City of Glens Falls had completed their requirements and were prepared to move the process forward. In response to inquiries by members of the Committee, Mr. LaMothe said he anticipated receiving approximately \$155,000.

The Planning & Community Development Department concluded their agenda at 11:50 a.m.

Privilege of the floor was extended to Leonard Fosbrook, President, Economic Development Corporation (EDC), who distributed copies of his agenda, to the Committee members, *a copy of same is on file with the minutes.*

Mr. Fosbrook expressed his appreciation and support to all new members, including the Chairman, of this new consolidated Planning & Community Development Committee.

Commencing with the first item on the EDC agenda, Mr. Wohl explained that the Foreign Trade Zone were designated sites licensed by the Foreign Trade Zone Board, a federal board comprised of members from the Treasury, Commerce and Custom Departments. He said these sites were granted special custom procedures that allowed domestic activity involving foreign items to take place prior to normal custom entry and could bring benefits to site occupants, such as duty-free treatment of items that were re-exported and duty payment deferred on items sold in the NYS market.

In 2007, Mr. Wohl stated EDC was approached by the Capital District Regional Planning Commission as they had engaged the Capital District Trade Strategy Group to prepare an application seeking to expand the sites and total acreage within the Capital District Foreign Trade Zone. He said they formally asked Warren County to participate in this application procedure, as they currently had no property designated with a Foreign Trade Zone status. For the past two months, Mr. Wohl indicated they had been working with the Capital District Regional Planning Commission assisting them in preparing the application and identifying sites in Warren County (light and heavy industrial sites) that would qualify for this Foreign Trade Zone status. He noted this application was due at the end of February.

Mr. Wohl requested a Resolution in Support of this application designating certain County-owned properties with the Foreign Trade Zone status. Besides the initial application fee, he indicated there was no cost to include a site in the application; however, he said, should the County decide to utilize a site and draw upon the benefits, an administrative fee would be assessed.

Motion was made by Mr. Stec, seconded by Mr. Belden and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

In response to an inquiry by Mr. Champagne, Mr. Wohl replied he did not foresee any negative impact to creating the Foreign Trade Zone sites; however, he noted, the cost benefit came when the site became activated. Mr. Wohl added there were annual administrative fees, costs associated with bonding, as well as the expense of increasing security to comply with all the federal custom standards and procedures surrounding warehouses. Mr. Taylor asked whether a Foreign Trade Zone site had any use limitations and Mr. Wohl responded no, except the parcels identified in the application must be contiguous. He said once the application was approved, the Foreign Trade Zone designation could be removed from one parcel and applied to another. Mr. Wohl apprised that they had included with their application a map of County-owned properties they were requesting be assigned Foreign Trade Zone status and only one parcel was located outside the Airport corridor. Mr. Champagne asked whether adjacent warehouse or Airport landowners objected to the Foreign Trade Zone designation and Mr. Wohl replied the designation did not change anything.



Mr. Wohl requested a second Resolution of Support from the Board of Supervisors that specifically identified County-owned properties in Warren County's Foreign Trade Zone application.

Motion was made by Mr. Taylor, seconded by Mr. Champagne and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Fosbrook added that EDC had expended \$5,000 from their budget towards the \$15,000 fee associated with the Foreign Trade Zone application and they would seek the balance from other EDC partners or alternatively those companies wishing to locate their business in the Foreign Trade Zone.

Continuing on with Item 2 of the EDC agenda, Mr. Wheatley introduced Steve Granger and Raymond Webster, Architects from the NYS Office of General Services (OGS). He said the National Guard Readiness Center was the catalyst for the Queensbury Industrial Park (QIP) and it launched the funding infrastructure. He reported construction of the road had been completed; the water and sewer had been installed; installation of the sanitary pump station had commenced; and the electric, broadband and gas services were expected to be installed by the Spring of 2008. Mr. Wheatley added the process of dedicating the road to the Town of Queensbury had begun and the Readiness Center was undergoing site preparation.

Mr. Wheatley apprised that the New York State Office of General Services, administrator of the New York Army National Guard (NYARG), requested permission to utilize Lot 6 as a temporary staging location for off road parking as their site would be maximized with various construction activity. Mr. Wheatley indicated that EDC supported their request and did not anticipate it affecting their ability to market that particular lot. In addition, he said, OGS assured them they would insure the lot for liability, include any waivers in their request and restore it to its original state upon completion.

Mr. Wheatley requested a Resolution of Support granting NYS OGS/NYANG permission to use the adjoining lands on Lot 6 owned by Warren County as a temporary staging area for the parking of vehicles and trailers during the period of construction. In response to an inquiry by Mr. Champagne, Mr. Webster said he expected the Readiness Center to be completed by the Spring of 2009.

Motion was made by Mr. Champagne, seconded by Mr. Merlino and carried unanimously approving the request as previously outlined; and the necessary resolution was authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

The general consensus of the Committee was to request the County Attorney prepare an agreement with the NYS Office of General Services/National Guard granting them permission to utilize Lot 6 for the parking of vehicles and trailers during construction of the Readiness Center, and to submit the agreement to the full Board of Supervisors for approval and authorization by the Chairman of the Board.

Relative to Item 4 of the EDC agenda, Mr. Fosbrook briefly reviewed the following 2008 Project Priorities List:

- 1) **South Queensbury/Airport Corridor** - Mr. Fosbrook stated they were developing a plan that would target the Airport and surrounding industrial lands and business parks, as well as the CIBA GIEGY site, as Foreign Trade Zone sites.
- 2) **Glens Falls Revitalization** (formerly known as Downtown Glens Falls Revitalization) - Mr. Fosbrook apprised that EDC anticipated pursuing additional economic development and related growth opportunities in the Glens Falls Revitalization project, which would include Tech Meadows.
- 3) **Exit 18 Development Zone** (formerly known as the Main Street Corridor) - Mr. Fosbrook indicated enormous progress had been made on the east side of Exit 18; however, he said, there was significant commercial and light industrial lands on the west side and they were looking at that area in its entirety.
- 4) **North Creek Revitalization** (formerly known as Ski Bowl Project) - Mr. Fosbrook reported they were currently installing new ski lifts and lights for night skiing. He said they were looking to assist area businesses on Main Street and other areas in the North Creek community.
- 5) **Tourism** - Mr. Fosbrook commented EDC continually engaged itself in the support and promotion of four-season tourism throughout Warren County.
- 6) **Marketing & Business Attraction** - Mr. Fosbrook apprised their Department marketed all properties and buildings throughout Warren County. He said they anticipated decreasing their emphasis on nanotechnology and increasing biotechnology awareness.

Mr. Fosbrook updated the Committee on the following individual projects currently undertaken by the Economic Development Corporation:

- 1) **Queensbury Industrial Park (QIP)** - Mr. Fosbrook stated they continued to develop this shovel-ready industrial park that would be the future home of the New York Army National Guard Readiness Center.

- 2) **Floyd Bennet Memorial Airport** - While this project was inclusive of the South Queensbury Project, Mr. Fosbrook indicated they commenced the process of developing an Aviation Technical Park.
- 3) **Foreign Trade Zones** - As previously discussed, Mr. Fosbrook said they were interested in establishing Foreign Trade Zones in Warren County to lure qualified international businesses to the area.
- 4) **Broadband** - Mr. Fosbrook explained they partnered with the Information Technology and Planning & Community Development Departments to increase broadband services to residents and business residing within the Adirondack Park.
- 5) **Chester Industrial Park** - Mr. Fosbrook related their Department would seek additional funding assistance to provide infrastructure enhancement and marketing of the Chester Industrial Park, as well as request that this area be designated as a Foreign Trade Zone.
- 6) **Adirondack Regional Business Incubator (ARBI)** - Mr. Fosbrook apprised that the program continued to expand week after week while it was housed in their office.

In response to an inquiry by Mr. Champagne, Mr. Wohl explained the past few months had been spent securing facility financing. Prior to that, he said, numerous options had been explored, such as public and private partnerships, should they not be successful in obtaining the necessary financing. While public/private partnerships were still being considered, Mr. Wohl said they were attempting to broaden their options. Mr. Fosbrook announced there was an ARBI Board Meeting on Wednesday, February 9, 2008 to assess the alternative options.

- 7) **Adirondack Rail Line** - With the assistance of Kirsten Gillibrand's Office, Mr. Fosbrook said progress had been made to renovate the scenic rail line between Saratoga Springs and North Creek. He said this was a joint effort between Saratoga and Warren Counties. Mr. Belden suggested they inquire of Congresswoman Gillibrand about seeking federal funds to renovate the stations in the Town of Thurman and the Town of Lake Luzerne.

Mr. Fosbrook stated this was also the time of year whereby they established their funding priorities, which had been requested by Congresswoman Gillibrand. He said it was their intention to review the broad perspective of all projects and considered adding this project to the funding priority list.

Motion was made by Mr. Belden, seconded by Mr. Merlino and carried unanimously approving the 2008 Project Priorities as submitted; and the necessary resolution was

authorized for the February 15, 2008 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

There being no further business to come before the committee, on motion by Mr. Stec and seconded by Mr. Belden, Mr. Sokol adjourned the meeting at 12:30 p.m.

Respectfully submitted,

Debra L. Schreiber, Sr. Legislative Office Specialist